

## **REMARKS**

The August 3, 2010 Office Action identifies the following issues:

- Claims 1, 4, 5, 6, 9, 12, 13, 14, 16, 19, 21, 28, 31, and 32 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hayama (Japanese Patent Number JP 10211851 A).
- Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hayama in view of LeTrudet (U.S. Patent No. 6,666,362).
- Claims 8, 22, 26, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hayama in view of Jefferson (U.S. Patent No. 4,260,085).

The following remarks address each of these issues and place the present application in condition for allowance.

### **Claims 1, 4, 5, 6, 9, 12, 13, 14, 16, 19, 21, 28, 31, and 32 Are Patentable Over Hayama**

Applicants respectfully submit that Hayama does not anticipate amended claims 1. Amended claim 1 includes the limitation of “a platform comprising a floor, a platform side wall extending vertically from a periphery of said floor.” Hayama does not disclose, teach or suggest this limitation.

The office action at page 2 identifies element 16 as the platform, 16B as the floor, and 16C as the platform side wall. As shown in Fig. 1 of Hayama, the platform side wall 16C does not extend vertically from the floor 16B. Instead, 16C extends horizontally from 16B. In addition, it would appear that re-orienting the platform 16 in Hayama so that 16C extends vertically from 16B would render the apparatus in Hayama inoperative.

As dependent claims 4, 5, 6, 9, and 12 depend directly or indirectly from claim 1, Applicants submit that these claims are likewise patentable over Hayama.

Consistent with the argument above, the other independent claims 13, 14, 28 and 32 contain the limitation of “a platform comprising a floor [and] [,] a platform side wall extending

vertically from a periphery of said floor” that is not disclosed by Hayama. Applicant, therefore, respectfully submit that Hayama does not likewise anticipate the amended independent claims 13, 14, 28 and 32.

Moreover, Applicants submit that in addition to the reasons above Hayama does not anticipate amended claim 13. Specifically, Hayama fails to disclose “at least one receiving slot having a closed periphery aligned with said wheel when the platform is nestingly supporting the cargo container.” Referring to Fig. 1 of Hayama, the portion of the apparatus that aligns with the wheels of the cargo container is not a slot having a closed periphery. As stated in the office action on page 4, it is instead an “open gap.” Hayama, therefore, does not disclose each and every limitation of claim 13.

Finally, Applicants submit that in addition to the reasons above Hayama does not anticipate amended claim 14. Hayama fails to disclose “at least one projection extending *horizontally* outwardly from said container bottom periphery” [*emphasis added*]. Referring to Fig. 3, and in particular, the exploded view thereof, the projection 22 extends vertically not horizontally as required in claim 14. Additionally, Hayama fails to disclose “the slot and projection limit vertical movement between said cargo carrier and said platform.” Again referring to Fig. 3, the slot 22A and projection 22 do not limit vertical movement between the cargo carrier and the platform, the combination instead limit horizontal movement. Therefore, claim 14 is distinguishable and patentable over Hayama. As dependent claims 16, 19, 21, and 31 depend directly or indirectly from claim 14, these claims are likewise patentable over Hayama.

### **Claim 2 Is Patentable over Hayama in View of LeTrudet**

Applicants respectfully submit that as claim 2 depends directly from independent claim 1, it is patentable over Hayama in view of LeTrudet. As previously argued, Hayama fails to

disclose a platform comprising a floor, a platform side wall extending vertically from a periphery of said floor. LeTrudet fails to cure this deficiency. Accordingly, claim 2 is patentable.

**Claims 8, 22, 26, and 27 Are Patentable over Hayama in View of Jefferson**

Applicants respectfully submit that as claim 8 depends directly from independent claim 1, it is patentable over Hayama in view of Jefferson. As previously argued, Hayama fails to disclose a platform comprising a floor, a platform side wall extending vertically from a periphery of said floor. Jefferson fails to cure this deficiency. Accordingly, claim 8 is patentable

Applicants respectfully submit that as claims 22, 26, and 27 depend directly or indirectly from claim 14, they are patentable over Hayama in view of Jefferson. As previously argued, Hayama fails to disclose a platform comprising a floor, a platform side wall extending vertically from a periphery of said floor and at least one projection extending horizontally outwardly from said container bottom periphery. Jefferson fails to cure either of these deficiencies. Accordingly, claims 22, 26, and 27 are patentable.

**CONCLUSION**

In light of the foregoing, Applicants submit that the application is now in condition for allowance and Applicants respectfully requests allowance thereof. If the Examiner has any questions pertaining to the above, then the undersigned attorney would welcome a phone call to provide any further clarification or a formal interview.

Respectfully submitted,

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